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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 13-CR-93 JST
)	
)	STIPULATION WITH RESPECT TO 404(B) AND
)	SEVERANCE HEARING AND BRIEFING DATES,
v.)	STATUS ON PRETRIAL DATES AND
)	[PROPOSED] ORDER
JONATHAN MOTA)	
)	
Defendant)	
)	

The parties appeared before the Honorable Jon S. Tigar on August 22, 2014 for a status hearing and requested a status on September 19, 2014 with respect to further pretrial dates and the outstanding defense motions. The parties also represented they would make a stipulated filing on September 12, 2014 with respect to the same. This is that filing.

404(b) and Severance Motions Hearing Proposed Schedule

The parties have met and conferred on the simpler issue of the 404(b) and severance hearing dates. The Court had tentatively set October 30, 2014 as the date for hearings and the parties were to propose a reply filing date. The parties hereby jointly request the Court vacate the October 30, 2014

STIPULATION AND [PROPOSED] ORDER
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hearing and advance it by one day, i.e. October 29, 2014, if that is a date that is available for the Court (this hearing was originally specially-set). The defendant would file its reply two weeks in advance, i.e. by October 15, 2014, and the government's surreply, if any, would be filed October 22, 2014. Thus, the proposed schedule is as follows:

October 15, 2014 Defense reply to outstanding FRE 404(b) and severance motions

October 22, 2014 Government surreply, if any

October 29, 2014 404(b) and severance motions hearing

Pretrial Schedule

Although the parties have conferred repeatedly regarding pretrial scheduling in this case since the August 22, 2014 hearing, by both phone and email, the parties have not been able to meaningfully meet and confer concerning a proposed pretrial date schedule for two reasons. First, standby counsel Mr. Mazer has been engaged in a lengthy RICO trial that is still ongoing. The defense has been putting on its case during this last week and closings are anticipated next week. Second, for its part the government has been unable to come up with a proposed schedule in this case because another lengthy RICO case government counsel is set to try in 2015¹ was the subject of a defense motion to continue last week. The Court in that other case just this week issued an Order granting that trial continuance such that the government has an entirely new 2015 schedule of trial and pretrial dates that it is digesting.

The bottom line is that now that Mr. Mazer will be soon out of trial and now that the government has an established and firm trial schedule in the other case, the parties will be in a much better place to meet and confer on meaningful Proposed Schedule for this Court, one that will stick and not be the subject of either parties' request to change.

Moreover, the parties agree that the outcome of the 404(b) and severance hearings that are scheduled to be heard in October might influence what pretrial dates they believe are appropriate. In light of all this, the parties therefore request that the September 19, 2014 status date be vacated and that

¹ This other case is the case that the government represented at the August 22, 2014 hearing before this Court might have conflicted with the instant case's trial date of April 13, 2015.

the parties instead file a proposed pretrial schedule within 7 days from the date the Court rules on the defendant's 404(b) and severance motions.

SO STIPULATED.

/s/

September 11, 2014

KATHRYN R. HAUN
WILLIAM FRENTZEN
Assistant U.S. Attorneys

/s/

September 11, 2014

RICHARD MAZER
Standby counsel for Defendant, Pro Se

PROPOSED ORDER

For the reasons set forth in the parties' STIPULATION WITH RESPECT TO 404(b) and SEVERANCE HEARING AND BRIEFING DATES AND STATUS ON PRETRIAL DATES, it is hereby ordered that the schedule set forth in that Stipulation is adopted by the Court. The parties shall continue to meet and confer regarding an appropriate pretrial schedule in this case and shall file a proposed Pretrial Schedule within 7 days of the Court's rulings on the 404(b) and severance motions. The September 19, 2014 status is vacated and the parties' next appearance shall be October 29, 2014 at 9:30 a.m.

IT IS SO ORDERED.

DATED: September 12, 2014

